

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: Marc R. Pompilii

Case No. 01-80640-RGM
Chapter 7

COLUMBIA NATIONAL INCORPORATED,

Plaintiff,

v.

MARC R. POMPILII, DEBTOR,
TAMI M. POMPILII, CO-DEBTOR,
And
ROBERT O. TYLER, TRUSTEE,

Defendants

NOTICE OF MOTION AND HEARING

Columbia National Incorporated (Plaintiff) has filed papers with the Court to terminate the automatic stay in the above captioned case.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE)

If you do not wish the Court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion, then within fifteen (15) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, Post Office Box 19247, Alexandria, Virginia 22320, and serve a copy to the plaintiff's attorney at the address shown below. Unless a written response is filed and served within this fifteen day period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the expiration of the fifteen-day period.

Attend the preliminary hearing scheduled to be held on: August 15, 2001, at 9:30 a.m.; in Courtroom III, United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

DATE: July 19, 2001

/S/ Marvin A. Jaffe

Marvin A. Jaffe
Attorney for Columbia National Incorporated
5310 Markel Road, Suite 200
Richmond, Virginia 23230
(804) 282-0456
VSB ID NO. 1586

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Motion and Hearing was mailed this 19th day of July, 2001, to Marc R. Pompilii, debtor, and Tami M. Pompilii, Co-debtor, at 200 Waterside Terrace, #101, Stafford, Virginia 22554; to Nancy O. Ryan, counsel for debtor, at 1420 Prince Street, Suite 200, Alexandria, Virginia 22314 and to Robert O. Tyler, Trustee, at 206 N. Washington Street, Suite 200, Alexandria, Virginia 22314.

/S/ Marvin A. Jaffe

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MARC R. POMPILII, DEBTOR,
TAMI M. POMPILII, CO-DEBTOR,
And
ROBERT O. TYLER, TRUSTEE,

Defendants

MOTION FOR RELIEF FROM STAY

The motion of plaintiff, Columbia National Incorporated, respectfully represents as follows:

1. That Columbia National Incorporated is a corporation duly organized and validly existing under the laws of the State of Maryland;
2. That on May 18, 2001, the defendant debtor filed in this Court a Petition under Chapter 7 of the United States Bankruptcy Code, whereupon an Order for Relief was entered;
3. That defendant Robert O. Tyler was appointed Trustee;
4. That the Court has jurisdiction over this adversary proceeding pursuant to

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28 U.S.C. Section 1334 and 11 U.S.C. Section 362 and 1301 and this is a core proceeding proceeding within the meaning of 28 U.S.C. Section 157;

5. That at the time of the filing of this petition in bankruptcy herein and now, defendants owned the real property located in Stafford County, Virginia, commonly known as 902 Forbes Street, Fredericksburg, Virginia 22405.

6. That Columbia National Incorporated is the owner and holder of a certain deed of trust note which is secured by a certain deed of trust encumbering the aforesaid property, which note has an outstanding principal balance of \$101,386.65 as of the date hereof;

7. That defendant debtor is delinquent on the payments toward said Note, and is currently due for his December 1, 2000, and subsequent monthly payments;

8. That the indebtedness aforesaid is increasing on a daily basis;

9. There there is no equity in the aforesaid property for the benefit of the defendant debtor or his estate and Columbia National Incorporated has not been offered nor provided any adequate protection of its interest in the property;

10. That defendant debtor is unable to afford adequate protection due Columbia National Incorporated and neither he nor his estate has grounds to resist the entry of an order terminating the stay aforesaid;

11. That cause exists to terminate the stay aforesaid;

12. That Columbia National Incorporated is being injured by its inability to proceed against property securing the indebtedness due to the automatic stay provided in 11 U.S.C. Sections 362 and 1301.

WHEREFORE, Columbia National Incorporated moves that the automatic stay provided for by the provisions of Title 11 of the United States Code be modified in conformance therewith and that it be granted such other and further relief as this Court shall deem proper.

DATED at Richmond, Virginia, this 19th Day of July, 2001.

COLUMBIA NATIONAL INCORPORATED
By Counsel

NOTICE

Please take notice that the defendant herein is required to file an answer to this Motion within fifteen (15) days of this date of service hereof with the Clerk, U.S. Bankruptcy Court, 200 S. Washington Street, Post Office Box 19247, Alexandria, Virginia 22320-0247.

COLUMBIA NATIONAL INCORPORATED

By /S/ Marvin A. Jaffe
Of Counsel

Marvin A. Jaffe
5310 Markel Road, Suite 200
Richmond, Virginia 23230
(804) 282-0456

CERTIFICATE

I hereby certify that a true copy of the foregoing Motion and Notice were mailed this 19th day of July, 2001, to Marc R. Pompilii debtor, and Tami M. Pompilii, co-debtor, at 200 Waterside Terrace, #101, Stafford, , Virginia 20111; to Nancy O. Ryan, counsel for debtor, at 1420 Prince Street, Suite 200, Alexandria, Virginia 22314 and to Robert O. Tyler, Trustee, at 206 N. Washington Street, Suite 200, Alexandria, Virginia 22314.

/S/ Marvin A. Jaffe